

**State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

TIME SCHEDULE ORDER NO. R4-2006-YYYY

**REQUIRING CITY OF BURBANK
(BURBANK WATER RECLAMATION PLANT)
TO COMPLY WITH REQUIREMENTS PRESCRIBED IN
NPDES ORDER NUMBER R4-2006-XXXX
(NPDES PERMIT NO. CA0055531)**

The California Regional Water Quality Control Board, Los Angeles Region (hereafter Regional Board), finds:

1. The City of Burbank (hereafter CSDLAC or Discharger) own and operate the Burbank Water Reclamation Plant (hereafter Burbank WRP) located at 740 North Lake Street, Burbank, California.
2. The Burbank WRP discharges tertiary-treated wastewater under waste discharge requirements contained in Order No. R4-2006-XXXX, adopted by this Regional Board on November 9, 2006. Order No. R4-2006-XXXX also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0055531), which regulates the discharge of treated wastewater to the Burbank Western Wash, a water of the United States, tributary to the Los Angeles, within the Los Angeles River Watershed.
3. NPDES Order No. R4-2006-XXXX, adopted on November 9, 2006, prescribes the following receiving water limitations for the protection of the MUN beneficial use in the groundwater basins:

Constituent	Units	Monthly Average ^[1]	Daily Maximum
Arsenic	µg/L	10	--
Bis(2-ethylhexyl)phthalate	µg/L	4	--
Total trihalomethanes	µg/L	80	--
Iron	µg/L	300	--

Footnotes:

- [1]. Average Monthly Discharge Limitation means the highest allowable average of daily discharge over a calendar month, calculated as the sum of all daily discharges measures during that month divided by the number of days on which monitoring was performed. Compliance with the monthly average final effluent limit will be determined according to WDR Section IV.E.2.
-

- A. This final effluent limit takes effect on the effective date of NPDES Order No. R4-2006-XXXX; i.e., 50 days after its adoption (December 29, 2006).
 - B. Treated effluent from the Burbank WRP consistently exceeds the Maximum Concentration Levels (MCLs) for bis(2-ethylhexyl)phthalate and total trihalomethanes. The facility may not be able to meet the new groundwater receiving water limitations. Therefore, interim limits are needed for bis(2-ethylhexyl)phthalate and total trihalomethanes. Receiving water groundwater limits for arsenic and iron are also being imposed, because the reasonable potential analysis indicated that the discharge could contribute to an exceedance of the MCLs. However, interim limits for arsenic and iron are not proposed, because the discharge is not expected to exceed the limitations.
 - C. To achieve compliance with the effluent limitations, the Discharger may modify or improve the treatment system, explore source reduction options or conduct studies leading to approvable site-specific objectives (SSOs). Regional Board approval of Basin Plan amendments for the SSOs must be obtained on or before the compliance dates.
4. California Water Code section 13300 allows the discharger "to submit for approval by the board, with such modifications as [the board] may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements."
 5. In conformance with Water Code section 13385(j)(3), the Discharger shall submit a workplan specifying actions that the Discharger will take in order to prevent the violations of the applicable limitations for bis(2-ethylhexyl)phthalate and total trihalomethanes. Further, the limitations covered by this TSO are necessary because the limitations became effective after July 1, 2000 and the appropriate control measures cannot be put into operation within 30 days. The Regional Board concluded that the Discharger's 5 year compliance schedule was as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures.
 6. This TSO allows the Discharger to achieve full compliance with the bis(2-ethylhexyl)phthalate and total trihalomethanes limitations, and prescribes interim limits for bis(2-ethylhexyl)phthalate and total trihalomethanes for the Burbank WRP to comply until the final compliance date.
 7. Exceedances of the NPDES limits for bis(2-ethylhexyl)phthalate and total trihalomethanes are not subject to CWC Section 13385 subdivisions (h) and (i) as long as the Discharger complies with all of the requirements of the TSO; does not exceed the interim limits; and, meets requirements A through D of CWC Section 13385(j)(3).
 8. The action taken by this Regional Board pertaining to the time schedule does not preclude the possibility of actions to enforce the waste discharge requirements and permit by third parties pursuant to section 505 of the Federal Clean Water Act.

9. The Regional Board may reopen this TSO at its discretion or at the request of the Discharger, if warranted.
10. This TSO concerns an existing facility, does not significantly alter the status with respect to the facility, and is, therefore, categorically exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21100, et.seq.) in accordance with Section 15301 of Title 14, California Code of Regulations.

The Board notified the Discharger and interested agencies and persons of its intent to issue a time schedule Order concerning violations or threatened violations of waste discharge requirements.

The Board, in a public hearing, heard and considered all testimony pertinent to this matter. All Orders referred to above, Regional Board files on this matter, and records of hearings and testimony therein are included herein by reference.

IT IS HEREBY ORDERED that, pursuant to the California Water Code section 13300, City of Burbank, as operator of the Burbank Water Reclamation Plant, shall:

1. Comply immediately with the following receiving water groundwater limitations for the duration of this TSO:

Constituent	Units	Monthly Average ^[1]
Bis(2-ethylhexyl)phthalate	µg/L	26
Total trihalomethanes	µg/L	217

Footnotes:

- [1]. Interim effluent limits are usually derived statistically at 95% confidence level for monthly averages, using the *Plimit*TM program, which is based on Appendix E of the TSD. However, there were insufficient detected values, from July 1995 to December 2003, to statistically calculate an interim limit that would be greater than the final effluent limitation of 4 µg/L. Therefore, the monthly average interim limit was set as the remaining maximum effluent concentration detected, once an outlier value was thrown out. Compliance with the monthly average interim effluent limit will be determined according to WDR Section IV.E.2.

2. Submit a pollution prevention plan (PPP) workplan with a time schedule for implementation for approval of the Executive Officer within 120 days after the adoption of this TSO (by March 9, 2007), pursuant to CWC section 13263.3.
3. Achieve full compliance with the limitations in NPDES Order No. R4-2006-XXXX for bis(2-ethylhexyl)phthalate and total trihalomethanes based on the Basin Plan Water Quality Objectives by October 10, 2011.

4. Submit quarterly progress reports of efforts towards compliance with the effluent limits for bis(2-ethylhexyl)phthalate and total trihalomethanes to include, but not limited to:
 - A. Status of the plant modification/ upgrade activities; and/or,
 - B. Source reduction activities; and/or,
 - C. Status of the development of SSOs and/or UAAs.

Progress reports shall be received by the fifteenth day of the first month following the reporting quarter (January 15, April 15, July 15 and October 15). The first progress report shall be received at the Regional Board by April 15, 2004, and will cover the months of January 2007 through March 2007. The first progress report shall also include an update on the status of the derivation of the SSO and/or UAA.

5. If the Discharger fails to comply with any provisions of this Order, the Executive Officer may issue an Administrative Civil Liability Complaint pursuant to California Water Code Section 13323. The Regional Board may also refer the case to the Attorney General for injunction and civil monetary remedies, pursuant to California Water Code sections 13331 and 13385.
6. All other provisions of NPDES Order No. R4-2006-XXXX not in conflict with this Order are in full force and effect.

I, Jonathan Bishop, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on November 9, 2006.

Jonathan Bishop
Executive Officer

/AVC